

REMARKS/ARGUMENTS

The present communication is responsive to the Official Action mailed October 27, 2004. A petition for a one-month extension of the term for response to the Official Action, to and including February 27, 2004, is submitted herewith. Because the Official Action was denoted as final, a request for continued examination (RCE) is transmitted herewith. Accordingly, the finality of the Official Action should be withdrawn and the present amendment should be considered as a response to a non-final Official Action.

Claims 26, 30, 34 and 38-42 have been amended. Claims 26-42 are pending in this application.

Applicants' counsel would like to thank the Examiner for the courtesies extended during a telephone interview of January 29, 2004. During the interview, the invention was discussed along with the prior art reference of U.S. Patent No. 6,121,977 to Arai et al. ("Arai et al."). Applicants' counsel pointed out the differences between the claimed invention and Arai et al., including the use by the present invention of an image rendering pattern (an example of which is shown in Fig. 5) and the use of a mask pattern (an example of which is shown in Fig. 6). Applicants' counsel also explained why these claimed features were not believed to be present, taught or suggested by Arai et al.

As to the image rendering pattern, Applicants' counsel and the Examiner discussed the possibility of amending the claims to more clearly specify how extraction of portions of the image rendering pattern occurs. Accordingly, with this amendment, Applicants have amended the claims to clarify the image rendering pattern extraction feature of the claims to explain that the plurality of first image display portions of

the image rendering pattern are "extractable in a sequence to display different extracted portions of said pattern" to simulate motion of the first image. The amendments have been made to clarify the extraction and display and are not intended to narrow the claims in scope.

Turning to the Office Action, the Examiner has rejected claims 26-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,121,977 to Arai et al. ("Arai et al.").

Applicants respectfully submit the present claims are not rendered obvious over Arai et al. since this reference lacks disclosure or teaching of employing the claimed features of the image rendering pattern and the mask pattern used in the display of a first image moving against a background (claims 26-42) as well as combining an extracted second image with a second mask pattern to generate and render a shimmering image of the background (claims 26-38).

Namely, the claims provide for the display of images of a first image moving against a background (such as a flame flickering against a brick wall) alone and/or in combination with a second image of shimmering background (such as the shimmering of the brick wall) associated with the first image (the flame).

In particular, in claims 26-38, the first image portion is extracted from an image rendering pattern. An example of such an image rendering pattern of a flame is shown in Figure 5. The image rendering pattern comprises a plurality of first image display portions extractable in a sequence to display different extracted portions of the pattern to simulate motion of said first image. In the example at Figure 5, drawing pattern 114 contains extractable image portions VPj extractable

in a sequence to simulate motion of a randomly flickering flame.
(See ¶¶ 0073-0076.)

Next, a first mask pattern, such as random mask pattern Mj (see Figure 6) is combined with an extracted first image portion to generate and render an object image in the first rendering area. The first mask pattern comprises background image information and first image information. For example, in Figure 6, mask pattern Mj includes a data arrangement of composition ratios (alpha values) set for respective pixels for combining the background image (wall) 102 and the extracted drawing pattern (VPj). Thus, in Figure 6, alpha values in areas 120 and 122 correspond to inner and outer areas of the flame 100 while alpha values in outer area 126 are selected such that only the color components of the background image 102 (wall) are utilized in respective pixels.
(See ¶¶ 0077-0078.)

The above-noted claim elements alone, and in combination with the other claim elements, are not present or taught by Arai et al. For instance, with respect to extracting a first image portion from an image rendering pattern, Arai et al. does not perform this step, but rather merely divides a region into elongated or vertical slice regions and an altered image is drawn by randomly swaying each such slice region. Arai et al. thus does not disclose or suggest selecting a first image portion from an image rendering pattern that includes a plurality of first image display portions extractable in a sequence to display different extracted portions of the pattern to simulate motion of said first image. Rather, Arai et al. merely shifts each slice of a composite of slices to form a wave movement effect by repeatedly and randomly shifting each slice to alter the image of a plurality of slices.

Moreover, Arai et al. does not teach, suggest or disclose use of first or second mask patterns as set forth in the present claims. Rather, any "mask" formed by Arai et al. is not a mask but merely an area designated to be divided into slice regions, such as designation of sway region information 12 defining the region of water surface corresponding to the original image 11. Arai et al. defines an area of sway of the original image and applies that information with a sway intensity to the original image to form the swayed output image (i.e., the swayed reflection in lake).

With respect to the Examiner's specific remarks in the Official Action at pages 2-4 as to Arai et al., Applicants respond as follows.

First, the Examiner contends that he interprets the arrangement of slices in Arai et al. to be substantially similar to Applicants' "image rendering pattern." However, as explained above, Arai et al. does not disclose or suggest selecting a first image portion from an image rendering pattern that includes a plurality of first image display portions extractable in a sequence to display different extracted portions of the pattern to simulate motion of the first image. Rather, for the example of the swaying object in Arai et al., Arai et al. slices the object and merely shifts each slice of that object (a composite of slices) to form a wave movement effect by repeatedly and randomly shifting each slice. There is no "extraction" of a first image portion from a pattern of a first image (such as pattern 114 in which portions VPi are extracted), each extracted portion forming a first image display portion.

Second, the Examiner contends there is a "shifting mask" of Arai et al. that includes background and image information "as the mask utilizes background original image

dimensions and the position/size coordinates of an object to generate the disorder of water surface representing the object" Applicants respond that the methodology used to shift the slices of Arai et al., in which the shifting degree of the object sway area is based in part on the position/size coordinates of the object, is not a "shifting mask" nor is it akin to the use of a mask pattern as in present invention. In the present claims, the "mask" is specifically claimed as a "mask pattern" with such "mask pattern comprising background image information and first image information." For example, mask pattern Mj of Fig. 6 has both background image information 126 as well as first image information 120 as explained above. This mask pattern is combined with the extracted first image portion (also not present in Arai et al. as explained above) to generate and render an object image in the first rendering area. Applicants thus maintain that combining a mask pattern with an image to obtain a resultant image is not the same as shifting slices no matter what the slice swaying offsets are based upon.

Third, the Examiner appears to find correspondence between several of the image portions of Arai et al. and the present invention and asserts that, as to a missing processing step for "background images," whatever processing is missing from Arai et al. such "graphic manipulations could be performed on the background images as well" However, even if some type of "graphic manipulations could be performed on the background images," Arai et al. would still not disclose or teach the claimed image rendering pattern and mask pattern features as explained above. Moreover, the fact that graphic manipulations "could be performed" on the background images is insufficient to support an obviousness rejection. The mere fact that references can be combined or, as here, modified, does not

render the resultant modification obvious unless the prior art also suggests the desirability of same. See, e.g., *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990) (although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so").

Fourth, the Examiner concludes that although Arai et al. does not explicitly disclose the combining of the shifted slices, the region of movement and the background, it would be inherent. While it may be the case that there is some type of combining step needed in Arai et al., this does not equate to the specific combining steps as called for in the present claims, including combining "mask patterns" with image portions.

Fifth, in making the obviousness conclusion, the Examiner states that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the image altering steps of Arai et al. whether the image section being altered is a foreground or background part of the image and takes the position that Applicants have "not disclosed that performing the claimed effects on a specific depth location in the image provides an advantage, is used for a particular purpose, or solves a stated problem." Applicants disagree. Applicants initially note the image altering steps (shifting of slices) in Arai et al. are markedly different than those of the claimed invention as previously explained. Also, the "specific depth location" of the object is something that Arai et al. keeps track of for degree of offset of the slices, rather than how the presently claimed invention operates. Still further, Applicants do disclose that its image processing provides an advantage, can be used for a particular purpose, and solves stated problems - namely, the problems of slow display

speed, making graphics display items more realistic, and providing a more exciting video game. (See, e.g., ¶¶ 0007-0010, 0016, 0023.)

Sixth, the Examiner states that one of ordinary skill in the art "would have expected Applicant's invention to perform equally well with the image creation method and apparatus of Arai et al. because the techniques of Arai et al. could be applied to objects, which are located in either the foreground or background of an image, utilized to create substantially similar effects as claimed by the applicant." Using the "image method and apparatus of Arai et al.," however, is not what is being used by the presently claimed invention, as explained above. Further, using the techniques of Arai et al. on objects would result in shifting of slices of the object to create movement, which is not the technique used by the present invention.

Finally, as to dependent claims 28, 32 and 36, Arai et al. lacks the use of a mask pattern for the reasons discussed above. As to dependent claims 29, 33 and 37, Arai et al. lacks an image rendering pattern for the reasons discussed above. As to dependent claims 27, 31 and 35, even if the present invention used randomly shifted slices as an "animation pattern," the independent claims from which these claims depend are not rendered obvious over Arai et al. for the reasons discussed above.

Turning now to the Examiner's "Response to Arguments" section on pages 6 to 7 of the Official Action, Applicants comment as follows.

First, regarding Applicants' argument that Arai et al. does not select a slice or first image portion of an image rendering pattern, the Examiner states that he disagrees "in

that Arai et al. does select 'slices' of an image pattern to create a moving affect [sic] by shifting each slice a certain amount." But while Arai et al. discloses "slices," Applicants note that it has no image rendering "pattern" (such as pattern 114 of Fig. 5) from which a full image or image display portion can be sequentially selected and used for display of motion of the image. In other words, in Arai et al., there is no preexisting pattern of object portions for the full object, with each such portion being extractable sequentially and used to form a different version of the object to simulate movement of the object. Rather, as disclosed in columns 10-11 of Arai et al., movement is simulated in a very different way; namely, by slicing up the lake (sway region information 12) and offsetting these slices with a first degree of sway, and then slicing up an object sway region information 42 and offsetting those slices with a sway greater than sway region information 12 of the lake (e.g., "when, for example, a bird or a fish makes ripples as compared with the first embodiment in which constant and small sway is expressed." (Arai et al., col. 11, lines 27-30)).

Second, regarding Applicants' argument that Arai et al. does not teach, suggest or disclose use of a first mask pattern as claimed, the Examiner states that he is using the prior interpretation of the "mask" of Arai et al. "as a type of 'shifting mask' used in translating each 'slice' and drawing the shifted slice at a shifted position" The Examiner also states that "[t]he 'shifting mask' of Arai et al. includes background and image information as the mask utilizes background original image dimensions and the position/size coordinates of an object to generate disorder of the water surface representing the object"

Applicants respond that the methodology used to shift the slices of Arai et al., which shifting degree of the object sway area is based in part on the position/size coordinates of the object, is not a "mask" nor is it akin to the use of a mask pattern as claimed in present invention. In the present claims, the "mask" is claimed as a "mask pattern" with such pattern "comprising background image information and first image information." For example, mask pattern Mj of Fig. 6 has both background image information 126 as well as first image information 120 as explained above. This mask pattern is combined with the extracted first image portion (also not present in Arai et al. as explained above) to generate and render an object image in the first rendering area. Applicants thus maintain that combining a mask pattern with an image to obtain a resultant image is not the same as shifting slices.

As it is believed that all of the rejections set forth in the Official Action have been fully met, the rejections should be withdrawn and favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, he is respectfully requested to telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/784,852


Docket No.: SCEI 3.0-045

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 26, 2004

Respectfully submitted,

By


Jonathan A. David

Registration No.: 36,494

(908) 654-5000

Attorneys for Applicants

477167_1.DOC